

FILED

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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

5 Plaintiff Pro Se

6

7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA

9

10 LAURACK D. BRAY, and on behalf of  
11 CONRAD MURRAY and OSCAR GRANT,  
12 deceased, and other  
13 similarly-situated black male  
professionals/semi-professionals

CV1 2-5704-CAS(RZ)  
NO.

VERIFIED\*

CIVIL RIGHTS COMPLAINT

FOR PERMANENT  
INJUNCTIVE RELIEF AND  
DAMAGES

14 Plaintiff,  
15 v.  
16 DEPARTMENT OF JUSTICE(U.S.); UNITED STATES  
17 OF AMERICA; ERIC HOLDER, ATTORNEY GENERAL  
18 OF THE UNITED STATES, in his official capacity;  
19 UNITED STATES ATTORNEY'S OFFICE,  
20 LOS ANGELES;

21 ANDRE BIROTE, UNITED STATES ATTORNEY,  
22 LOS ANGELES, in his official capacity and individually;  
23 FEDERAL BUREAU OF INVESTIGATION;  
24 ROBERT S. MUELLER, DIRECTOR, FEDERAL BUREAU  
25 OF INVESTIGATION, in his official capacity;  
26 UNNAMED ASSISTANT DIRECTOR IN CHARGE, FBI  
27 LOS ANGELES DIVISION, in his official capacity;  
28 UNNAMED ASSISTANT U.S. ATTORNEYS, LOS  
ANGELES, in their official capacities and individually;  
TANI-CANTIL-SAKANYE, CHAIR, JUDICIAL COUNCIL OF  
CALIFORNIA, in her official capacity; ERIC SHINSEKI,

JURY TRIAL DEMANDED

1 SECRETARY OF VETERAN AFFAIRS, in his official capacity;  
2 SUPERIOR COURT OF CALIFORNIA; THOMAS O'BRIEN,  
3 in his official capacity in his former position as U.S.  
4 Attorney, Los Angeles and individually; PATRICK R.  
5 DONOHUE, POSTMASTER GENERAL OF THE UNITED  
6 STATES, in his official capacity; STEVEN HINTZ, BARRY  
7 KLOPFER, KEN RILEY, and DAVID LONG, in their official  
8 capacities as former Superior Court of California, Ventura  
9 County, judges and individually; ROBERT PERRY and  
MICHAEL PASTOR, JUDGES, SUPERIOR COURT OF  
CALIFORNIA, LOS ANGELES COUNTY, in their official  
capacities and individually; and STEVEN R. SELLERS, in his  
official capacity as trustee-owner and individually.

## Defendants.

13 | and

15 HAROLD JAMES GRIFFITH, GREGORY SECOR, and  
JEANETTE M. ANDREWS, and HELEN H. DAVIS

## 17 | Real Parties in Interest.

### **\*Factual allegations**

## STATEMENT OF THE CASE

23 1 . This case involves a black lawyer, as a citizen and a lawyer, filing several  
24 criminal- civil rights complaints in the U.S. Attorney's Office in Los Angeles against  
25 mostly white public officials, and the U.S. Attorney's Office refusal to prosecute  
26 any of the complaints.

1 2. This case also involves individuals in the U.S. Attorney's Office sending letters  
2 to the black lawyer (and other citizens who, at times, had joined the black lawyer  
3 in filing complaints) stating that the U.S. Attorney's office do not conduct criminal  
4 investigations. Finally, the case involves the State of California, through Superior  
5 Court judges, denying black professionals constitutional rights during judicial  
6 proceedings.

8 3. The central issue in this case is: whether the United States (or the Federal  
9 government) and/or the State of California (or the State) discriminated against  
10 the Plaintiff herein, based on his race or color, as an individual and/or as a lawyer,  
11 in their dealings with him during state or federal Judicial or Executive proceedings?

12 4. Some sub-issues in this case will revolve around the central issue listed  
13 above, e.g., the federal government's surveillance of Plaintiff, including opening  
14 and searching his mail, and intercepting his mail at a local post office; but at least  
15 one issue, a medical malpractice issue, will be independent of the central issue.

16 5. This case represents the culmination of a number of discriminatory and/or  
17 criminal acts directed against Plaintiff and sometimes his clients by the  
18 Defendants. And, while it will be necessary to review some of those past acts in  
19 order to reach a proper decision in this case, the main focus of this case will be on  
20 recent decisions or acts of discrimination that affect and deny constitutional and  
21 statutory rights.

22 6. The primary factual scenario that triggered the ongoing and now culminating  
23 dispute as to whether the federal government, principally, has discriminated  
24 against Plaintiff racially, and in doing so, has denied Plaintiff constitutional and  
25 statutory rights, is as follows: in 2003, during an unlawful detainer *jury* trial  
26 involving Plaintiff (and Plaintiff specifically requested and paid for a jury trial---  
27

1 most unlawful detainer proceedings were conducted through bench (or judge)  
2 trials)), the white Defendant Superior Court judge, Ventura County, California,  
3 intentionally answered a jury question (that was required to be answered by the  
4 jury---in fact, the question the jury asked nearly mirrored the first, and outcome  
5 determinative, question asked on the jury verdict form) and answered it in a way  
6 that caused a jury verdict against the black defendant (Plaintiff herein), which  
7 resulted in Plaintiff's wrongful eviction from his combination home-law office.  
8 After the unlawful verdict, the judge then went on to exclaim in open court,  
9 without a request having been made by the black defendant (Plaintiff), that he  
10 would not be granting the defendant a stay (which precluded and denied a  
11 hearing on a stay request without a request having been made). Although a  
12 Ventura County state appeals court, "under the table" (telephonic—no paper  
13 trail), ordered the Superior Court (which, in turn, and over objection, assigned the  
14 same judge) to hold a hearing, the judge still denied the stay by ordering an  
15 extremely high bond (under the circumstances) be paid. So, the black  
16 defendant-lawyer (Plaintiff) was evicted from his home-law office, under the  
17 supervision of an armed law officer. Plaintiff's attempt at acquiring justice and a  
18 reversal of the unlawful, discriminatory, and wrongful eviction was the catalyst  
19 for the ensuing and continuous litigation and discriminatory, criminal, and  
20 unconstitutional acts to follow.

22 6A. Plaintiff will seek relief from the judgment in the wrongful eviction on  
23 constitutional and/or due process grounds, as being void for illegality (on state  
24 law as well as constitutional grounds—the unlawful detainer action was brought  
25 based on a non-payment of rent, but Plaintiff proved through testimony of the  
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1 property manager that he had never missed a rent payment and the notice of  
2 eviction was defective).

3 7. Prior to Plaintiff's wrongful eviction, it is clear that Plaintiff, who was the  
4 only Black lawyer with a private practice in the city of Ventura, CA, and the only  
5 Black lawyer with a practice emphasizing federal law in the County of Ventura,  
6 provided valuable services to the community, especially the minority community.  
7 See In the Matter of Robin J. Crammond, 23 I & N Dec. 9 (BIA 2001), vacated  
8 on other grounds, 23 I & N Dec. 179 (BIA 2001) and Jackson v. Guirbino, 364  
9 F.3d 1002 (9<sup>th</sup> Cir. 2004)(what the reported case does not state is that Plaintiff  
10 was retained by Jackson's parents to intervene and represent Jackson on appeal  
11 after Jackson had initially proceeded pro se and filed his own Opening Brief. And,  
12 after Plaintiff filed a Supplemental Brief, it was the Miranda issue raised and  
13 argued in Plaintiff's supplemental brief (and during oral argument) that caused  
14 the reversal of Jackson's murder conviction).

16 8. Instead of the FBI and the U.S. Attorney's Office investigating and  
17 prosecuting the criminal-civil rights complaints brought by Plaintiff (and, in at  
18 least one complaint, two clients of Plaintiff), they undertook to investigate  
19 and/or conduct surveillance of Plaintiff. One type of surveillance of Plaintiff was  
20 intercepting his mail sent from Plaintiff's Muslim client. The government's  
21 opening of Plaintiff's mail was not only an illegal search and an invasion of  
22 privacy, but it was also a crime. See 18 U.S.C. secs. 1702 and 1703. And, this  
23 provides some evidence that the surveillance was illegal.

25 9. When the U.S. Attorney's Office (USAO) refused to investigate and prosecute  
26 the civil rights and other claims, e.g., false statement claims, it denied Plaintiff his  
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28

1 statutory and due process rights to restitution, because the only way Plaintiff can  
2 receive restitution is for a defendant to be tried and convicted.  
3  
4

5 10. The Fifth Amendment of the U.S. Constitution guarantees that no person  
6 shall be "deprived of life, liberty, or property, without due process of law. . . ." Plaintiff's personal and professional life have been ruined by the actions of the  
7 Defendants herein since his wrongful eviction in 2003. He has not recovered  
8 from the loss of his home and law office and other actions of the Defendants  
9 herein. He has not acquired another law office (and has not been able to  
10 acquire one) since his eviction. His personal and professional life has been  
11 changed forever. His life, as it was, will never be the same again.  
12

13 11. Through this lawsuit, Plaintiff seeks permanent injunctive relief and  
14 damages. More specifically, Plaintiff seeks injunctive relief affecting both  
15 possessory and ownership rights to the property located at 1019 E. Santa Clara  
16 Street, Ventura, CA, based on the duration of time and damages; other  
17 injunctive relief with respect to the government's illegal surveillance and  
18 gathering of information, and other damages based on the claims set forth  
19 below.  
20  
21

## 22 JURISDICTION AND VENUE

23 12. This Court has subject matter jurisdiction pursuant to 28 U.S.C. secs.  
24 1331 and 1343; 42 U.S.C. secs. 1981, 1982, 1983, and 1985; 28 U.S.C. secs.  
25 2671-2680 and 28 U.S.C. secs. 1346(b)(1) and 2674 (Federal Tort Claims Act);  
26 and 5 U.S.C. sec. 552. Plaintiff also asserts F.R.C.P., Rule 60.  
27  
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13. This Court also has jurisdiction to grant damages and injunctive relief, or other appropriate relief pursuant to *Bivens v. Six Unknown Agents*, 403 U.S. 388 (1971).

14. Venue is proper in the Central District of California under 28 U.S.C. sec. 1331(b) because a substantial part of events or omissions giving rise to the claims herein occurred in this District.

## PARTIES

15. Plaintiff Laurack D. Bray is a 62 year old African American or Black lawyer, who practices federal law only in California. He now resides in Los Angeles, but he considers Ventura, CA his primary residence. Plaintiff is also a Vietnam Era veteran, having served his military time in Stuttgart, Germany as a social caseworker at the 5<sup>th</sup> General U.S. Army Hospital in Bad Cannstadt, Stuttgart, Germany. Plaintiff exited the military with an honorable discharge in 1976. Prior to his military service, Plaintiff had graduated and obtained his high school diploma from Fremont High School in Los Angeles, CA ; an A.A. degree from Los Angeles City College; and a B.A. degree in Social Welfare from California State University, Long Beach. After leaving the military, Plaintiff returned to Cal State Long Beach (or Long Beach State) and obtained a M.S. in Recreation Administration and subsequently, a M.P.A. in Public Administration. Finally, he acquired a law degree from Howard University in Washington, D.C.. He has engaged in private practice since leaving law school , and he has practiced law for over 25 years, mostly as a sole practitioner.

1 Plaintiff is also bringing this lawsuit on behalf of Conrad Murray, a doctor,  
2 and Oscar Grant, deceased, a former butcher, both professional/semi-  
3 professional black males. Both Murray and Grant were part of what Plaintiff  
4 alleges was a pattern of discrimination against black male professionals by the  
5 Superior Court of California.

6 16. Defendant Department of Justice (U.S. Attorney's Office (USAO), Los  
7 Angeles) is an agency of the federal government. It conducts criminal and civil  
8 investigations and prosecutes criminal, civil, and civil rights matters.

9 17. Defendant United States of America is the federal government. The  
10 United States is the parent of all federal agencies and/or departments.

11 18. Defendant Eric Holder is the Attorney general of the United States. He  
12 is responsible for the direction and oversight of all operations of the  
13 Department of Justice and USAOs throughout the country, including  
14 investigations, the bringing of prosecutions, and seeking restitution from  
15 Defendants upon their convictions. He is sued in his official capacity.

16 18A. Defendant Federal Bureau of Investigations (FBI) is an agency of the  
17 federal government which conducts criminal investigations within the  
18 meaning of the Privacy Act. It maintains records on persons or groups whom  
19 its agents have investigated, including Plaintiff. The FBI is being sued for  
20 injunctive relief only.

21 18B. Defendant Robert Mueller is the Director of the FBI. He is responsible  
22 for the direction and oversight of all operations of the FBI, including record  
23 keeping and retention, especially arising from investigations of FBI agents. He  
24 is being sued in his official capacity for injunctive relief only.

1           19. Defendant Andre Birotte, U.S. Attorney for Los Angeles. He is  
2 responsible for the direction and oversight of all operations of the Los Angeles  
3 office of the USAO and Department of Justice. He was responsible for a  
4 fraudulent letter being sent to Plaintiff. He also intentionally denied Plaintiff  
5 restitution through a pattern of misconduct. He is being sued in his official  
6 and individual capacities.  
7

8           19A. Defendant United States Attorney's Office, Los Angeles is an arm or sub-  
9 agency of the U.S. Department of Justice, and it is responsible for investigating  
10 and bringing criminal prosecutions and conducting civil investigations as well.

11           20. Defendants Assistant United States Attorneys (AUSAs) 1-10 are attorneys  
12 that provide assistance to and are supervised by the U.S. attorney. Especially  
13 those AUSAs working in the Citizen Unit of the Los Angeles Office of the USAO.  
14 The AUSAs are being sued in their official capacities and individually.

15           21. Defendant Thomas O'Brien is the former U.S. Attorney for Los Angeles  
16 who preceded Birotte. He is also responsible for a fraudulent letter being  
17 sent to Plaintiff. O'Brien also intentionally denied Plaintiff restitution through  
18 a pattern of misconduct involving a refusal to investigate criminal complaints  
19 filed by Plaintiff. O'Brien is being sued in his former official capacity and  
20 individually.

21           22. Defendant Patrick R. Donahue is the Postmaster General of the United  
22 States and is responsible for the operation, direction and oversight of postal  
23 service in the country. He is being sued in his official capacity.  
24

25           23. Defendant Tani-Cantil-Sakanye is Chair of the Judicial Council of California,  
26 which is charged with supervisory authority over and the administration of the  
27 Superior Courts of California. She is being sued in her official capacity.  
28

1       24. Defendant Superior Court of California is responsible for the provision  
2       and operation of judicial or court services for the administration of justice in  
3       the State of California.

25. Defendant Steven Hintz is a former judge of the Superior Court of  
5 California, Ventura County, and is now, unless it has changed, Treasurer-tax  
6 collector of Ventura County. He is involved with the primary acts of  
7 discrimination and other misconduct leading up to the specific claims of this  
8 Complaint. He is being sued in his former official capacity as a judge and  
9 individually.  
10

11 26. Defendants Barry Klopfer, Ken Riley, and David Long are former judges  
12 of the Superior Court of California, Ventura County. These Defendants acted  
13 as appellate judges for Plaintiff's appeal of the judgment in his wrongful  
14 eviction matter. They are charged with discriminatory misconduct in issuing  
15 their appeal decision. They are being sued in their former official capacities as  
16 judges and individually.

17 27. Defendant Eric Shinseki is the Secretary of Veteran Affairs and is  
18 responsible for the administration and operation of veteran services. He is  
19 being sued, in addition to the United States, for negligence in the  
20 administration of veteran medical claims pursuant to the Federal Tort Claim  
21 Act.

22A. Defendants Robert Perry and Michael Pastor are judges of the Superior  
23 Court of California, Los Angeles County. Judge Perry presided over the trial of  
24 Johannes Mehserle, who was charged with the second degree murder of  
25 Oscar Grant. Mehserle was eventually convicted of involuntary manslaughter.  
26 Judge Pastor presided over the trial of Conrad Murray, who was charged with  
27

1 and convicted of the involuntary manslaughter of Michael Jackson. Judges  
2 Perry and Pastor are being sued in their official capacities as judges and  
3 individually.  
4

5 27B. Defendant Steven R. Sellers is the Trustee-owner of the property  
6 located at 1019 E. Santa Clara Street, Ventura, CA, 93001.  
7

8 28. Defendants Does 1-10 are agents of the Federal Bureau of  
9 Investigation and United States Department of Justice, to include present and  
10 former AUSAs, whose identities are not yet known to Plaintiff, and who either  
11 authorized, directed, and/or actively monitored the actions alleged herein in  
12 order to engage in surveillance of Plaintiff or to perpetuate fraudulent acts to  
13 deny Plaintiff statutory or constitutional rights, at least in part because Plaintiff  
14 was African American or Black. Defendant Does are also postal service workers  
15 at the LaVerne, CA or Los Angeles, CA post office sites who opened Plaintiff's  
16 mail prior to the mail being delivered to Plaintiff through his post office box .  
17  
18

19 **FACTUAL ALLEGATIONS AND CLAIMS**

20  
21 **COUNT I**  
22 **RACIAL DISCRIMINATION**

23  
24 **Violation of 42 U.S.C. secs. 1981, 1982, and 1985**

25  
26 **Violation of Due Process/Equal Protection Clause of Fifth Amendment**

27  
28 ***Bivens Action***

29  
30 **(Against Federal Defendants)**

1  
2 29. Plaintiff incorporates Paragraphs 1-28 as if fully set forth herein.

3  
4 30. Laurack D. Bray is African American or Black. Also see Paragraph #15  
5 herein.

6  
7 31. Beginning in the year 2007, Bray has filed several criminal-civil rights  
8 complaints with the U.S. Attorney's Office (USAO) in Los Angeles and attempted  
9 to have those complaints investigated and prosecuted by that said office or the  
10 Federal Bureau of Investigation (FBI).

11  
12 32. But, the USAO refused to investigate and prosecute the complaints  
13 because (at least in part) Bray is African American or Black.

14  
15 33. The USAO, including former United States Attorney Thomas P. O'Brien  
16 and present United States Attorney Andre Birotte, and former and present  
17 Assistant United States Attorneys and others working in the Citizens Unit of the  
18 USAO, knew Bray was Black when it refused to prosecute criminal complaints  
19 filed by Bray. The USAO's conduct was motivated by Bray's race (African  
20 American or Black).

21  
22 34. Thomas O'Brien and Andre Birotte as U.S. Attorneys denied Bray the right to  
23 full and equal benefit of all laws and proceedings for the security of persons and  
24 property as is enjoyed by white citizens by refusing to investigate and prosecute  
25 multiple criminal complaints brought by Bray.

26  
27 35. O'Brien and Birotte, instead of providing Bray with the full and equal benefit  
28 of the laws and proceedings for the security of persons and property, especially  
the laws dealing with bringing criminal prosecutions and securing the rights of

1 victims and their property, violated federal laws which were put in place to  
2 protect and secure the rights of victims of crime.

3 36. In all cases where the USAO , and O'Brien and Birotte, refused to investigate  
4 and prosecute a criminal complaint brought by Bray, the complaint was  
5 accompanied and/or supported by probable cause evidence, or there was enough  
6 evidence or sufficient probable cause to make an arrest.

7 37. O'Brien and Birotte's refusal to investigate and prosecute criminal  
8 complaints brought by Bray was done under circumstances giving rise to an  
9 inference of racial discrimination and/or was not done to other similarly-situated  
10 persons not of Bray's protected group. One such circumstance is that several of  
11 Bray's complaints involved allegations of false statements or fraud; and clearly,  
12 the U.S. attorney's Office in Los Angeles prosecuted multiple false statement and  
13 mail fraud cases at or about the same time that it refused to investigate and  
14 prosecute the complaints brought by Bray, even though Bray's complaints were  
15 supported by probable cause evidence. The same thing applies to Bray's  
16 obstruction of justice complaints.

17 38. For another example, in 2007, when Bray filed a criminal complaint against  
18 various public officials, including judges, even though O'Brien and his office  
19 refused to prosecute anyone, the FBI found sufficient probable cause evidence  
20 that a crime had been committed to require two Superior Court of California,  
21 Ventura County, judges to retire from the bench, Steven Hintz and Barry Klopfer,  
22 as part of an informal plea agreement. That is, the FBI, rather than arresting  
23 Hintz and Klopfer (based on probable cause evidence), gave the two the option  
24 of retiring from the bench rather than being arrested and prosecuted.

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1       39. In the 2007 Complaint, Bray, who is Black, charged Hintz, who is white, with  
2       racial discrimination in causing Bray to be evicted from his home-law office in  
3       Ventura, California, while Hintz was the presiding judge over an unlawful  
4       detainer action brought and decided in 2002-2003.

5       40. O'Brien refused to prosecute Hintz or Klopfer because both of them were  
6       white, and the criminal complaint against them had been brought by a Black  
7       lawyer-complainant.

8       41. In 2010, after Birotte took over the U.S. Attorney's Office, he was aware  
9       that O'Brien had not prosecuted Hintz for the 2007 criminal complaint brought by  
10       Bray, and he became aware of a second or amended complaint against Hintz  
11       brought by Bray based on Hintz's criminal activity (fraud/mail fraud) conducted  
12       during the primary and general elections. Yet, Birotte refused to investigate the  
13       complaint or pursue prosecution of Hintz as well.

14       42. At the same time that O'Brien and Birotte were refusing to investigate and  
15       prosecute any of the individuals charged in any of Bray's criminal complaints, they  
16       were investigating and prosecuting other individuals who had been charged with  
17       some of the same types of crimes that Bray had complained about, e.g., false  
18       statements, mail fraud, etc. .

19       43. O'Brien specifically knew about Bray's complaints because Bray and some of  
20       his clients and their friends demonstrated and/or picketed in front of the federal  
21       courthouse in downtown Los Angeles, protesting O'Brien's failure to bring  
22       prosecutions. O'Brien had one of his Assistant U.S. Attorneys (AUSAs) contact  
23       Bray to say a response to the complaint would be forthcoming. The response  
24       was a false and fraudulent letter claiming that the U.S. Attorney's Office does not  
25       conduct criminal investigations. This false letter was likely sent to numerous  
26       clients and their friends.

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1 citizens whom had filed criminal complaints and whom the USAO did not want to  
2 investigate their complaints.  
3

4 44. A federal complaint was brought against O'Brien as well for making a false  
5 statement (through his office and the Citizens Unit). And, a criminal complaint  
6 was later brought against Birotte for the same thing.  
7

8 45. O'Brien and Birotte both were charged with the responsibility and authority  
9 to prosecute criminal cases and/or complaints brought in the U.S. Attorney's  
10 Office or to the attention of the USAO. They had direct authority to bring  
11 prosecutions of federal criminal complaints.  
12

13 46. Neither O'Brien nor Birotte contacted Bray for the purpose of gathering  
14 information pursuant to investigation of the particulars of the complaints.  
15

16 47. The United States government has exercised racial discrimination against  
17 Bray as a Black lawyer in litigating civil cases in federal courts in California both  
18 before and after Bray filed criminal complaints.  
19

20 48. In refusing to investigate and prosecute any of Bray's criminal complaint's,  
21 O'Brien and Birotte intended to and did deny Bray restitution, including injunctive  
22 relief and the right to re-possession of the property in Ventura, California located  
23 at 1019 E. Santa Clara Street.  
24

25 49. O'Brien and Birotte knew that Bray had charged that he was dispossessed of  
26 his property interest in the property in Ventura, CA, because of his race or color,  
27 and they intended to deny Bray the right to rent or own property because he is  
28 Black when they refused to prosecute Hintz or Klopfer (or any of the other  
defendants in the Complaint) so that Bray could receive restitution, including  
injunctive relief and re-possession of his property interest.  
29

1 50. When O'Brien and Birotte exchanged the U.S. Attorney's Office (O'Brien  
2 stepping down and Birotte taking office), O'Brien informed Birotte that he had  
3 refused to prosecute Bray's Complaints, and Birotte agreed to continue the  
4 refusal to prosecute the Complaints when he took office. When Birotte took  
5 office, there were at least 3 separate pending Complaints (with multiple  
6 individuals complained about in the 2007 Complaint) before him. Presently,  
7 there are at least 6 Complaints pending (and these are single complaints with  
8 sometimes multiple accused or defendants, which, if filed separately for each  
9 accused, would amount to clear double-digit complaints).

10 51. Bray requested Attorney General Eric Holder to appoint an independent  
11 counsel to prosecute the Complaints, but he refused to respond to the request.

12 52. Bray also wrote to appointed special prosecutor John Durham, and  
13 requested that he conduct a review of the complaints as part of his duties  
14 pursuant to his appointment by the Attorney General. But, Durham did not  
15 respond either.

16 53. Both O'Brien and Birotte ordered or directed their subordinates to write  
17 false and fraudulent letters to Bray to support their refusal to prosecute his  
18 complaints and to support their refusal to obey federal law dealing with victims'  
19 rights.

20  
21  
22 **COUNT II**

23  
24 **CONSTITUTIONAL FRAUD**

25 **Violation of the Fifth Amendment Due Process Clause**

26 ***Bivens* Action**

27 **Violation of Crime Victims Rights Act, 18 U.S.C. sec. 3771(a)(6)**

**18 U.S.C. secs. 3663-3664 (Victim and Witness Protection Act)**

54. Plaintiff incorporates Paragraphs 1-53 by reference, as if fully set forth here.

55. In March, 2008, through and in a letter from the U.S. Attorney's Office in Los Angeles, received by Plaintiff, the USAO and O'Brien and unnamed AUSAs stated that "The United States Attorney's Office does not conduct criminal investigations." This was and is a false statement and misrepresentation, because, in fact, the U.S. Attorney's Office **does** conduct criminal investigations. And, because the letter was sent by mail, it was also mail fraud.

56. The fact was material because a criminal investigation and prosecution is what was being sought by Plaintiff in his criminal complaint, which would ultimately lead to relief and/or restitution.

57. O'Brien and the AUSAs in the Citizens Unit of the USAO intended to make the false misrepresentation, notwithstanding the fiduciary duty of the USAO to investigate and prosecute federal criminal complaints brought by citizens of the United States.

58. O'Brien and the unnamed AUSAs used and relied on the false and fraudulent statement to avoid investigating and prosecuting Bray's Complaint, which denied Bray a due process examination and processing of his criminal Complaint(s).

59. O'Brien and the unnamed AUSAs , in refusing to investigate and otherwise prosecute the said criminal complaints, denied Plaintiff his statutory right to restitution which would have evolved from a prosecution and conviction. By not investigating or prosecuting the criminal complaints, O'Brien and the others made it impossible to obtain or recover restitution. Part of the restitution sought

1 would be injunctive relief and re-possession of Bray's property interest in the  
2 property located in Ventura, CA. Moreover, Bray was also denied monetary  
3 restitution for loss of income based on the closure of his law office brought about  
4 by the criminal conduct of several defendants. He also suffered much pain and a  
5 loss of enjoyment of life based on the USAO's refusal to investigate and  
6 prosecute, while at the same time, using a false statement and misrepresentation  
7 to support the refusal.

8  
9 60. The sole purpose of the above false and fraudulent statement made to  
10 Plaintiff by the USAO was for the USAO to avoid or evade carrying out its duty to  
11 investigate and prosecute Plaintiff's Complaints.

12 61. In January , 2011, Birotte directed his subordinates to construct a similar  
13 letter to the letter constructed by O'Brien's office, falsely stating that the U.S.  
14 Attorney's Office "does not conduct investigations".

15 62. In fact, subordinates, including AUSAs, constructed such a letter, and the  
16 letter stated in part, "Please be advised that this agency does not conduct  
17 investigations. . ." (Emphasis in original letter). This was a false and fraudulent  
18 statement, or a "lie", and the letter containing the statement was mailed to and  
19 received by Bray.

20 63. The mailing of the letter, with its contents, to Plaintiff was a willful or  
21 intentional attempt by the USAO and Birotte to avoid or evade their responsibility  
22 and duty to investigate and/or prosecute Bray's filed criminal complaints.

23 64. The pending criminal complaints were never investigated nor prosecuted.  
24 In part, the failure to investigate the complaints was a violation of federal law.

25 65. The failure by Birotte and the USAO to investigate the complaints denied  
26 Bray due process, or a due process investigation of his complaints.

27  
28

66. The conduct by Birotte, the USAO, and the unnamed AUSAs caused Bray the denial of his right to restitution, which could only be achieved through prosecution and conviction. Bray suffered damages pursuant to the denial of restitution.

67. The conduct by Birotte, the USAO , and the unnamed AUSAs was a part of a  
6 pattern of misconduct begun by O'Brien, the USAO, and the unnamed attorneys  
7 working in the Citizens Unit during O'Brien's tenure in office. That misconduct,  
8 inter alia, was intentionally refusing to investigate and/or prosecute criminal  
9 complaints filed by Bray because of his race, and, thereafter, drafting false and  
10 fraudulent letters claiming the USAO doesn't conduct investigations and mailing  
11 those letters to Bray in an attempt to rationalize the intentional refusal and evade  
12 their responsibility and duty to investigate and prosecute Bray's Complaints.  
13

### **(Against Federal Defendants)**

### COUNT III

## **UNREASONABLE SEARCH/MAIL**

## **Violation of the Fourth Amendment**

## **Violation of Fifth Amendment Equal Protection Clause**

## ***Bivens Action***

25 68. Plaintiff incorporates Paragraphs 1-67 by reference, as if fully set forth here.  
26 69. Plaintiff received several letters from one of his clients, Sayed Jawaid ,  
27 opened. Mr. Jawaid is Indian and a Muslim by religion. Plaintiff contends the

1 mail opening was not only a product of racial discrimination against Plaintiff, but  
2 also a product of racial profiling and racial and religious discrimination against Mr.  
3 Jawaid.

4 70. The letters were uncut and closed or sealed prior to being delivered to the  
5 post office in LaVerne, California (or Pomona, California), but several letters were  
6 opened when they were received by Bray in his post office box.

7 71. Neither Bray nor Jawaid gave their permission or consent to the U.S. Postal  
8 Service or any postal employee, or anyone else in the postal service to open their  
9 mail. Nor was permission or consent given to the postal service to allow anyone  
10 outside the post office or postal workers to open their mail.

11 72. There were no search warrants issued or presented to Plaintiff or Mr.  
12 Jawaid for the mail openings. Defendants opened the mail---sent by Jawaid and  
13 received by Bray---without a warrant and in violation of the Fourth Amendment  
14 to the United States Constitution. The Defendants' search of Bray-Jawaid mail  
15 was an unreasonable search in violation of the Fourth Amendment.

16 73. The unreasonable search of Bray-Jawaid's mail was conducted because of  
17 both Bray's (African American) and Jawaid's (Indian ) race or color and because of  
18 Jawaid's religion (Muslim), therefore, the unreasonable search also violates  
19 Bray's and Jawaid's Fifth Amendment Equal Protection rights.

20 74. Jawaid wrote and mailed several letters to Bray using the same procedure.  
21 These were personal letters from client to attorney, and there were no  
22 expectation that the letters would be opened and reviewed by third parties. The  
23 Defendants' opening of the letters was also an invasion of privacy. The unlawful  
24 tampering with mail is also a crime.

25 (Against Federal Defendants)

IV

## ILLEGAL SURVEILLANCE

## **Violation of the Foreign Intelligence Surveillance Act, 50 U.S.C. sec. 1810**

## **Unreasonable Search/Violation of Fourth Amendment**

75. Plaintiff incorporates by reference Paragraphs 1-74 as if fully set forth herein.

76. During the years 2008 to 2012, at various times, the federal government had Bray under surveillance. There were, among other things, wiretaps on his cell phone, a GPS device was placed on his vehicle, he was followed by other vehicles, an undercover agent tried to get information from him while he was out socially, and his bank and bank account was invaded.

13 77. The Defendants, FBI, officer-in-charge, and/or the USAO or other  
14 government agents, under color of law, used electronic, mechanical, and/or other  
15 surveillance devices or methods, without a warrant, to monitor Bray and his  
16 communications and/or activities, including telephone conversations, mail, etc.,  
17 and to obtain information under circumstances in which Bray had a reasonable  
18 expectation of privacy and a warrant would be required for law enforcement  
19 purposes.

78. The illegal surveillance was part of the racial discrimination exercised against Bray by the Defendants herein. There was no probable cause to believe Bray had engaged in any criminal activity, or any other valid or legal reason for the government to survey Bray.

79. The use of the GPS device and wiretaps were also violations of Bray's Fourth Amendment right against unreasonable and warrantless searches.

1 80. Defendants FBI and Officer-in-charge and other FBI agents knew that they  
2 were violating the Constitution when they instituted the procedures without a  
3 warrant and without consent.

4 81. The Defendants actions caused Bray to suffer damages, including mental  
5 and emotional pain suffering.

6 **(Against Federal Defendants)**  
7

8 V  
9

10 **VIOLATION OF RIGHT TO PRIVACY**

11 **Violation of the Privacy Act, 5 U.S.C. sec. 552a (e)(7), (g)(l)(D)**

12 **Fourth Amendment/Ninth Amendment(Privacy)**

13 82. Plaintiff incorporates by reference Paragraphs 1-81 as though those  
14 paragraphs are fully set forth here.

15 83. Defendants FBI and its agents collected information and/or maintained  
16 records describing how Plaintiff exercised his rights to liberty and free speech  
17 guaranteed by the First and Fifth Amendment . The records or information  
18 maintained by the FBI or the federal government were not pertinent to any legal  
19 law enforcement purpose or within the scope of any law enforcement activity.

20 83A. Plaintiff did not consent to any record-keeping of his personal movements,  
21 and he had the right to go about his personal and business life without the  
22 intrusiveness of government surveillance and recordkeeping. And, Plaintiff  
23 suffered damages.

1 VI  
2  
3

4 MEDICAL NEGLIGENCE  
5  
6

7 Federal Tort Claim Act  
8  
9

10 84. Plaintiff incorporates by reference Paragraphs 1-83 as if fully set forth here.  
11  
12

13 85. Plaintiff pleads further that pursuant to Title 28 U.S.C. secs. 2672 and  
14 2675(a), that the claims set forth below were filed with and presented  
15 administratively to the Defendant United States of America and its agency, the  
16 Department of Veteran Affairs or the Veteran Administration, on July 8, 2011 for  
17 Plaintiff's tort claim herein. On January 12, 2012, the Department of Veteran  
18 Affairs denied the claim. Accordingly, Plaintiff has met all jurisdictional  
19 prerequisites and conditions for commencement and prosecution of this action.  
20

21 86. Liability of the United States is based on 28 U.S.C. secs. 1346 and 2674-75  
22 because there were personal injury and resulting damage, which were  
23 proximately caused by the negligence, wrongful acts and/or omissions of  
24 employees of the united states of America at the Veteran Administration facility  
25 in Los Angeles, California, while acting within the scope of their office,  
26 employment or duties, under circumstances where the United States of America,  
27 if a private person, would be liable to Plaintiff in the same manner and to the  
28 same extent as a private individual under the laws of California.

29 87. The Department of Veteran Affairs is an agency of the United States, which  
30 at all times material hereto, owned, operated and controlled the health care  
31 facilities known as the Veterans Adminstration, Los Angeles, and through its  
32 agency, the Department of Veteran Affairs staffed said health facilities with its  
33 agents, servants, and/or employees.  
34  
35

1 88. At all times pertinent here, all persons involved in the medical and health  
2 care services provided to Plaintiff were agents, servants, and/or employees of the  
3 Department of Veteran Affairs, the United States of America, or some other  
4 agency thereof, and were at all times material hereto, acting within the course  
5 and scope of such employment.

6 89. As referred to above, this is a Federal Tort Claim Act proceeding for  
7 monetary damages sustained by Plaintiff resulting from personal injuries as a  
8 result of negligent medical care.

9 90. The claim herein concerns negligent medical care provided by agents,  
10 servants, and employees of the United States government at the Veterans  
11 Administration facility (West LA) which resulted in personal injury and pain and  
12 suffering to Plaintiff, first detected in July , 2009.

14 91. The VA medical staff had prescribed a lotion, Selenium Sulfide, for a fungi  
15 on Plaintiff's neck and chest area. Plaintiff had used this lotion before without  
16 incident. However, when the medical professional prescribed the lotion for  
17 Plaintiff, she did not warn Plaintiff about any possible adverse reactions  
18 stemming from the combination of the lotion coming into contact with silver  
19 metal and the skin. There were no warnings given regarding the lotion's  
20 reaction to or with metal and the skin. There were only directions given as to the  
21 use and application of the lotion. Plaintiff applied the lotion around his neck and  
22 chest areas, while wearing a silver chain around his neck. Plaintiff left the chain  
23 on overnight after applying the lotion.

24 92. The next morning, Plaintiff discovered that his neck area, particularly where  
25 the chain was or had been in contact with his neck was "burned" (the skin felt  
26 "hot" and was swollen and red in color) and/or irritated and red. Plaintiff also

1 discovered that the silver chain had lost its silver color and became a "darkened"  
2 or black color.

3 93. Subsequently, Plaintiff sought treatment for the burns at the V.A. Hospital  
4 in Los Angeles.

5 94. Had Bray known that there would have been a reaction among the lotion,  
6 the silver chain, and the skin, he would have taken the silver chain off before  
7 applying the lotion and left it off overnight and until he had shampooed or  
8 washed the lotion off the skin. But since he had not been warned of any danger  
9 of any reaction between lotion and the chain, he left the chain on, believing that  
10 there would be no problem or adverse reaction.

11 95. Bray's resulting injuries were caused by the failure of both the  
12 manufacturer and the medical professional to warn Bray of the possible chemical  
13 reaction of the sulfide lotion to metal. It was several months before the skin was  
14 healed from the damage.

15 96. Defendant United States of America was negligent in its care and treatment  
16 of Bray by failing to warn Bray of the possible chemical reaction of the selenium  
17 sulfide lotion to a metal chain, and thereafter of the sulfide-metal reaction to  
18 human skin .

19 97. At all times mentioned herein, the employees, agents, and/or  
20 representatives of the United States were negligent and proximately caused all of  
21 the injuries and damages sustained by Bray. And, those said injuries and  
22 damages were at all times foreseeable.

23 98. As a direct and proximate cause of Defendant United States' negligent acts  
24 and/or omissions , Plaintiff incurred damages, including but not limited to, pain  
25 and suffering and mental anguish.

1 99. In this Complaint, whenever the United States of America or the State of  
2 California is designated as or the term "Defendant" is used, it means Defendant  
3 United States or the State of California, its officers, agents, servants, employees,  
4 and/or representatives. And, whenever in this Complaint, it is alleged that the  
5 United States or the State of California did any act or thing, it is meant that the  
6 United States' or the State of California's officers, agents, servants, employees,  
7 and/or representatives did such a thing, and that at the time such act or thing was  
8 done, it was done with the full authorization and ratification of Defendants  
9 United States or State of California and was done in the normal and routine  
10 course and scope of employment of Defendants' officers, agents, servants,  
11 employees, and/or representatives. Wherever in this Complaint it is alleged that  
12 Defendant United States or the State of California omitted any act or thing, it is  
13 meant that Defendants, Defendants' officers, agents, servants, employees,  
14 and/or representatives omitted such act or thing.

16 99A. Defendant Shinseki, Plaintiff alleges, has a special duty of care to  
17 veterans with respect to the medical negligence claim, and that special duty is or  
18 ought to be to try and resolve veterans' claims during the administrative  
19 exhaustion period based on "common sense" or practical resolution rather than  
20 on a strictly legal basis and the so-called legal "standard of care" (as would be the  
21 approach with non-veterans). And, after utilizing the common sense or common  
22 knowledge approach during the exhaustion period (6 months), then, if the matter  
23 is not resolved, it can move on to the formal and legal format in federal court.  
24 Since this approach was not taken here, Secretary Shinseki and the federal  
25 employees breached that duty of care, was the proximate cause of damages not  
26

being paid or the claim being resolved, which resulted in the same damages being sought.

**(Against Defendants Shinseki and United States only)**

## COUNT VII

## **RACIAL DISCRIMINATION/EQUAL PROTECTION**

## **Violation of the Fourteenth Amendment Equal Protection Clause**

**42 U.S.C. sec. 1981, 1983, and 1985(3)**

100. Plaintiff incorporates by reference Paragraphs 1-99 as if fully set forth here.

11 101. The State of California , through its Superior Court judges; in particular,  
12 but not limited to, judges Steven Hintz, Barry Klopfer, Ken Riley, David Long,  
13 Robert Perry, and Michael Pastor, demonstrated a pattern of discriminating  
14 against professional/semi-professional black males as the black males engaged  
15 the judicial process, in both the civil and criminal aspects of the process.

16 102. The pattern of discrimination against professional black males by the  
17 Superior Court of California, at least, if not before, began with discrimination  
18 against Bray, as a Black lawyer, as he engaged the civil judicial process in Ventura  
19 County, CA Superior Court in 2002-2003. During an unlawful detainer jury trial,  
20 judge Hintz discriminated against Bray by intentionally denying him his right to a  
21 jury decision (and, therefore, a jury trial) and causing his wrongful eviction from  
22 his home-law office, because Bray was Black. He intentionally denied Bray his  
23 constitutional and statutory rights to a jury trial and jury decision after Bray had  
24 specifically requested and paid for both. The jury posed a question to Hintz, as  
25 the presiding judge, which was the very question (or similar), it, the jury, had to  
26 answer to resolve the case. Hintz intentionally answered the question, and  
27

1 answered it in a way that would deny Bray relief, or cause his eviction (Hintz could  
2 have answered the question in a way that would have granted Bray relief, i.e.,  
3 "yes", rather than "no"—and "yes" was the correct answer to the jury's question).  
4 Hintz, thereafter, in open court, without a request from Bray, intentionally  
5 denied Bray a stay of the eviction, *without a hearing*.  
6

7 103. Thereafter, Superior Court judges Klopfer, Riley, and Long, as Superior  
8 Court appellate judges, continued to deny Bray his constitutional rights on  
9 appeal by, *inter alia*, lying or making false statements in their appellate opinion  
10 for the purpose of denying Bray relief and supporting the illegal judgment of Hintz.

11 104. Thereafter, the State of California, through its Court of Appeals, which sits  
12 in Ventura County, refused to grant Bray an appeal of the fraudulent appellate  
13 decision by Klopfer, Riley, and Long. Moreover, this same state appellate court  
14 had earlier (instead of providing a written decision or order of Bray's appeal of  
15 Hintz's denied stay or overruling Hintz's denial of a stay hearing) *informally* (by  
16 telephone) ordered the Superior Court to provide Bray with a hearing on his  
17 *formal request* for a stay (through a written motion) (after Hintz had denied Bray  
18 a stay without a request for one), without ordering a new judge hear the matter  
19 and without granting an appeal of Hintz's stay order (setting a high bond) after  
20 Hintz had realistically and technically denied the stay through setting the high  
21 bond.  
22

23 105. Discounting unknown, unnamed, or unidentified cases between 2004 and  
24 2009, in 2009, the Superior Court, Los Angeles County, in continuing the pattern  
25 of discrimination, acting through judge Michael Pastor, discriminated against one  
26 Dr. Conrad Murray, a black medical doctor, by intentionally suspending his  
27 medical license in California without a hearing during a pretrial criminal  
28

1 proceeding. The connection between the Bray case and the Murray case is the  
2 action of the two trial judges (Hintz and Pastor) in causing the deprivation of a  
3 right or property, and , thereafter, arbitrarily denying a stay of execution of the  
4 deprivation (that is, without a hearing on the stay).

5 106. In 2010, during or after a criminal trial, Superior Court, Los Angeles  
6 County, judge Robert Perry usurped the province or domain of a jury and  
7 dismissed a gun enhancement conviction after a jury found that the gun was  
8 intentionally used in the killing of one Oscar Grant, a Black butcher. The dismissal  
9 served to assist a white police officer in avoiding any real jail time for the murder  
10 of Grant. This action by Perry continued the pattern of the Superior Court of  
11 California discriminating against Black males and denying them constitutional  
12 rights during the course of judicial or court proceedings.

14 107. The connection between the Bray case and the Grant-Johannes Mehserle  
15 case is the action of the two judges usurping the province or domain of the jury  
16 and substituting their judgment and decision for that of the jury; in essence,  
17 providing the Black males with a bench trial instead of a jury trial, which was  
18 demanded and/or required. And, in the Grant case, the Court of Appeals of  
19 California just recently, i.e., June, 2012, decided Mehserle's appeal of his  
20 conviction, and with an opportunity to correct judge Perry's unconstitutional  
21 actions (through the making of the sufficiency of the evidence finding regarding  
22 the involuntary manslaughter charge, which had been set forth by Mehserle),  
23 the Court of Appeals provided no ruling on the matter.

25 108. Bray, Murray, and Grant were all discriminated against on the basis of  
26 their race or color, and were treated differently from their white counterparts

27

28

1 engaged in the judicial process, or were treated in such a way that gives rise to an  
2 inference of discrimination based on their race or color.

3 109. Bray suffered harm and damages from the discriminatory conduct,  
4 including the loss of his home-law office and the monetary value stemming  
5 therefrom.

6 110. The State of California, through its agent judges and others conspired to  
7 deny Plaintiff's statutory and constitutional rights under color of law, and for the  
8 purpose of discriminating against Bray and denying him his rights based on his  
9 race or color, whether the discrimination was through acts of omission or  
10 commission.

11 (Against State Defendants)

12  
13  
14 **COUNT VIII**

15 **DENIAL OF DUE PROCESS/EQUAL PROTECTION**

16 **Violation of the Fifth Amendment Due Process and Equal Protection Clause**

17 ***Bivens* Action**

18 **Violation of 42 U.S.C. sec. 1982**

19 **Violation of 18 U.S.C. sec. 3771(a)(5), (6), (8) and (c)(1)**

20 111. Plaintiff incorporates by reference Paragraphs 1-110 as if fully set forth  
21 herein .

22 112. Between the years 2007 and 2011, Plaintiff filed multiple criminal  
23 complaints in and with the U.S. Attorney's Office in Los Angeles.

24 113. In none of the Complaints were Plaintiff actually contacted by the U.S.  
25 Attorney's office in terms of investigation of the Complaints. Neither the U.S.  
26

1 Attorney's office (USAO) or the FBI pursued any investigation of Plaintiff's  
2 Complaints.

3 114. The Department of Justice's failure to contact Plaintiff and investigate any  
4 of the complaints formed a pattern of refusing to investigate the complaints and a  
5 pattern of denying Plaintiff due process and equal protection of the law.

6 115. Plaintiff was denied both procedural and substantive due process by the  
7 Department's intentional refusal to investigate the Complaints. Bray continued  
8 to be denied his home-law office and restitution for the criminal acts.

9 116. In forming the pattern of refusing to investigate Bray's Complaints, the  
10 USAO and the Justice Department knowingly violated federal law and regulations  
11 or guidelines dealing with victims' rights.

12 117. In particular, 18 U.S.C. sec. 3771(c) required the DOJ officials, agents, and  
13 employees to "make their best efforts to see that crime victims are notified of,  
14 and accorded, the rights described in subsection (a)" of the statute, i.e., sec. 3771.  
15 DOJ officials never did this.

16 118. Most, though not all, of the complaints Bray filed were as a victim of crime.  
17 The DOJ never took any steps to secure Bray's rights pursuant to sec. 3771.

18 119. In particular, regarding a Complaint filed in 2007 and subsequently  
19 amended in 2011, Bray's right to possess property was(is) involved, and his right  
20 to restitution for the unlawful shutdown of his law office and practice was (is)  
21 involved. Both matters are fundamental concerns requiring fundamental fairness  
22 in a decision as to whether he will continue to be deprived of his property and  
23 liberty interest in his law office and the value of the loss of his law practice over  
24 the years.

1 120. More specifically, the FBI, regarding the 2007 Complaint conducted a  
2 covert investigation of Plaintiff's claim against judges Hintz and Barry Klopfer of  
3 the Ventura County Superior Court, without notifying Bray, or making any efforts  
4 to do so. And, pursuant to that investigation, found sufficient probable cause  
5 evidence to arrest Hintz and Klopfer , but instead of arresting them, worked out a  
6 deal or plea agreement with both Hintz and Klopfer, forcing them to retire from  
7 the bench rather than be arrested. Not only was this process violative of sec.  
8 3771(c), but it was also violative of 3771(a)(6), and intentionally so.  
9

10 121. Although Bray filed most of his complaints as a victim, he was never  
11 recognized or treated as a victim by the Department of Justice, at least in part  
12 because of his race or color.

13 122. This pattern of conduct in refusing to investigate Bray's complaints and to  
14 treat him as a victim began with U.S. Attorney O'Brien and his unnamed AUSAs  
15 and continued with U.S. Attorney Birotte and his AUSAs. The decisions not to  
16 investigate by the USAO came directly from O'Brien and Birotte, and the decision  
17 not to prosecute also came directly from O'Brien and Birotte. But, Eric Holder  
18 was also notified and was aware of the refusal to investigate, and also was a part  
19 of and contributed to the pattern of neglect. Bray also sent followup  
20 communications to the USAO, urging the office to pursue the complaints, to no  
21 avail.

22 123. The actions of O'Brien, Birotte, and the various FBI Agents-in-Charge at  
23 the respective times, formed a pattern of denying Plaintiff due process and equal  
24 protection of the law in violation of the Due Process Clause of the Fifth  
25 Amendment of the United States Constitution. Plaintiff was denied, or deprived  
26

27  
28

1 of, property and liberty interest without any hearings or trials to determine  
2 whether the deprivations were valid.

3 (Against Federal Defendants)

5 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff requests the Court grant the following forms of  
8 relief:

10 A. Injunctive Relief : (1) order the United States of America, or Steven R.  
11 Sellers, trustee, or whoever is in ownership and/or possession of the  
12 property in question located at 1019 E. Santa Clara Street, Ventura, CA,  
13 93001, to immediately transfer possession of said property to Plaintiff,  
14 while allowing or causing Plaintiff to immediately take possession and  
15 ownership of the property; (2) order the government Defendants (federal  
16 and state) to pay all expenses on the property permanently or through a  
17 permanent injunction. The federal/state Defendants are required to pay  
18 all maintenance expenses for the said property, including any and all taxes,  
19 utilities, insurance, and any other required maintenance for the duration or  
20 rest of Plaintiff's life, as long as Plaintiff owns the property, or for the rest  
21 of Plaintiff's life. However, any maintenance decisions must be made or  
22 ratified by Plaintiff. Defendants' responsibilities regard payment of  
23 expenses only; (3) order the federal Defendants (or any other applicable  
24 Defendants) to destroy or return any information gathered through the  
25 unlawful surveillance program conducted by the federal government or any  
26 other government, and to refrain from once again attaching a tracking  
27

1 device to Plaintiff's vehicle without a search warrant; (4) enjoin the federal  
2 government from conducting any future unlawful surveillance, that is,  
3 without a warrant or probable cause to believe any crime has been  
4 committed; and (5) set aside the judgment in the state unlawful detainer  
5 case as being void, or for any other appropriate basis based on  
6 unconstitutional or other reasons.

7 B. Compensatory and Punitive Damages (for violations of the laws of the  
8 United States and California), in an amount to be proven at trial. Such  
9 damages will include special damages, e.g., storage fees and post office  
10 boxes, and other compensatory damages related to Plaintiff's law office.

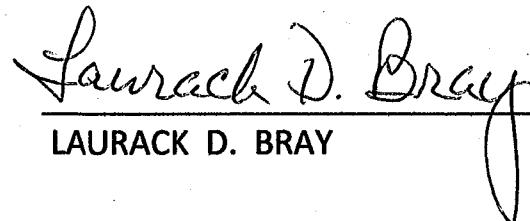
11 C. Federal Tort Claim Act damages identified in the administrative complaint.

12 D. Costs, and where found to be applicable, attorney's fees.

13 E. Any other appropriate and proper relief that the Court deems warranted.

14  
15  
16 I declare under the penalty of perjury that the foregoing, based on either  
17 personal knowledge or upon information and belief, are true and correct to the  
18 best of my knowledge and belief.

19  
20 Executed on July 1, 2012, 2012 at Los Angeles, California

21  
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27  
28   
LAURACK D. BRAY

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself )

Lauvack D. Bray

## DEFENDANTS

Department of Justice, et.al.

## (b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Lauvack D. Bray  
P. O. Box 611432  
Los Angeles, CA 90061

## Attorneys (If Known)

Civil Division  
U.S. Attorney's Office, Los Angeles

## II. BASIS OF JURISDICTION (Place an X in one box only.)

 1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party) 2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant.)

Citizen of This State

PTF DEF

 1 1

Incorporated or Principal Place of Business in this State

PTF DEF

 4 4

Citizen of Another State

PTF DEF

 2 2

Incorporated and Principal Place of Business in Another State

PTF DEF

 5 5

Citizen or Subject of a Foreign Country

PTF DEF

 3 3

Foreign Nation

PTF DEF

 6 6

## IV. ORIGIN (Place an X in one box only.)

 1 Original  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify):  6 Multi-District Litigation  7 Appeal to District Judge from Magistrate JudgeV. REQUESTED IN COMPLAINT: JURY DEMAND:  Yes  No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23:  Yes  NoMONEY DEMANDED IN COMPLAINT: \$ **TBD**

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

**42 U.S.C. Sec. 1981, 1982, 1985; Federal Tort Claim Act/Racial discrim.**

## VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 520 Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 530 General	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 424 Civil Rights	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/ Exchange	<input type="checkbox"/> 165 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395f)
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 370 IMMIGRATION	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes					<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: **CV12-5704**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes  
If yes, list case number(s): SACV11-00301

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case?  No  Yes  
If yes, list case number(s):

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

## IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District*	California County outside of this District; State, if other than California; or Foreign Country
<u>Los Angeles/Ventura</u>	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District*	California County outside of this District; State, if other than California; or Foreign Country

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
\* Note: In land condemnation cases, use the location of the tract of land involved.

County in this District*	California County outside of this District; State, if other than California; or Foreign Country
<u>Los Angeles/Ventura</u>	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): Laurack D. Bracy Date July 1, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))